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10/792,057	03/03/2004	Hiroshi Yamauchi	450100-04962	4746
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William S. Frommer, Esq. FROMMER LAWRENCE & HAUG LLP 745 Fifth Avenue New York, NY 10151			EXAMINER	
			KHAN, ASHER R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/792,057	<b>Applicant(s)</b> YAMAUCHI ET AL.
	<b>Examiner</b> ASHER KHAN	<b>Art Unit</b> 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 May 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/165/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Applicant also argues that Frink relates to a non-linear system for editing HDTV video data such as to provide output in standard definition resolution.

Examiner respectfully disagrees because Frink system relates to a non-linear system for editing HDTV video data signal such as to provide output in standard definition resolution but also to provide output in high definition resolution as well (Figure 5, 546 on HDTV monitor 542).

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 1-5, 7-12, 14-19 and 21 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 6,226,038 B1 to Frink et al. ("Frink").**

As to claim 1, Frink discloses an editing device (Fig. 5, HD video system 504) that is installed in a computer (Real-time HDTV editing system) to edit a high-definition television signal, the editing device comprising (Fig. 5):

a first decoder (Fig. 5, HD codec 516) and a second decoder (Fig. 5, HD codec 516) which decompress respective compressed high-definition television video data transferred from the computer (Fig. 5, col. 10, lines 38-42); and

edit processing means for performing edit processing on the high-definition television video data decompressed by the first decoder and the high-definition television video data decompressed by the second decoder, a result of edit processing performed by the edit processing means being output (Fig. 5, HD DVE 554, HDTV video data router 520).

*Frink* does not expressly disclose wherein the edit processing means and first decoder are contained on a first PCI card, and the second decoder is contained on a separate second PCI card, the first PCI card being directly connected to the second PCI card.

It would have been obvious to one of ordinary skill in art, in view of *Nerwin v. Erlichman* 168 USPQ 177, to make separable single element such as the system of edit processing means disclosed in figure 5 of *Frink* into separable elements disclosed by the limitation "the edit processing means and first decoder are contained on a first PCI card, and the second decoder is contained on a separate second PCI card, the first PCI card being directly connected to the second PCI card".

As to claim 2, *Frink* further discloses wherein the edit processing means comprises an effector for applying a special effect (Col. 10, lines 24-30) to the high-definition television video data decompressed by the first decoder (Fig. 5, HD DVE 554), and combining means for combining the high-definition television video data to which

the special effect is applied by the effector and the high-definition television video data decompressed by the second decoder (Fig. 5, HDTV video data router 520).

As to claim 3, *Frink* further discloses an output connector for high-definition television data, wherein the result of edit processing performed by the edit processing means is output from the output connector (Fig. 5, HDTV video I/O 540).

As to claim 4, *Frink* further discloses an encoder (Fig. 5, HD codec 516) for compressing the high-definition television video data on which the edit processing is performed by the edit processing mean, wherein the high- definition television video data compressed by the encoder is transferred to the computer (Col. 8, lines 1-6).

As to claim 5, *Frink* further discloses converting means for converting the high- definition television video data on which the edit processing is performed by the edit processing means into standard-definition television video data (Fig. 5, resizer 524), wherein the standard-definition television video data converted by the converting means is transferred to the computer (Col. 5, lines 55-60; Fig. 5, SDTV frame buffer 526; display 538).

As to claim 7, *Frink* further discloses wherein the editing device comprises at least one peripheral component interconnect card (Fig. 1, HD video system 104).

As to claim 8, *Frink* discloses an editing apparatus for a high-definition television signal, the editing apparatus (Col. 10, lines 22-23) comprising:

a computer for transferring compressed first high- definition television video data and compressed second high- definition television video data (Abstract, fig. 5); and

an editing device that includes a first decoder (Fig. 5, HD code 516) and a second decoder (Fig. 5, HD code 516) which decompress the compressed first and second high-definition television video data, respectively, and edit processing means for performing edit processing on the decompressed first high-definition television video data and the decompressed second high-definition television video data (Fig. 5, HD DVE 554, HDTV video data router 520), a result of edit processing performed by the edit processing means being output, wherein the compressed first high-definition television video data and the compressed second high-definition television video data are transferred in parallel from the computer to the first decoder and the second decoder, respectively (Col. 6, lines 40-45, fig. 1E).

*Frink* does not expressly disclose wherein the edit processing means and first decoder are contained on a first PCI card, and the second decoder is contained on a separate second PCI card, the first PCI card being directly connected to the second PCI card.

It would have been obvious to one of ordinary skill in art, in view of Nerwin v. Erlichman 168 USPQ 177, to make separable single element such as the system of edit processing means disclosed in figure 5 of *Frink* into separable elements disclosed by the limitation "the edit processing means and first decoder are contained on a first PCI card, and the second decoder is contained on a separate second PCI card, the first PCI card being directly connected to the second PCI card".

As to claim 9, *Frink* further discloses wherein the edit processing means comprises an effector (Fig. 5, HD DVE 554) for applying a special effect to the high-

definition television video data decompressed by the first decoder, and combining means for combining the high-definition television video data to which the special effect is applied by the effector and the high-definition television video data decompressed by the second decoder (Fig. 5, HDTV video data router 520).

As to claim 10, *Frink* wherein the editing device further comprises an output connector for high-definition television data, the result of edit processing performed by the edit processing means being output from the output connector (Fig. 5, HDTV video I/O 540). .

As to claim 11, *Frink* further discloses wherein the editing device further comprises an encoder (Fig. 5, HD codec 516) for compressing the high-definition television video data on which the edit processing is performed by the edit processing mean, the high-definition television video data compressed by the encoder being transferred to the computer (Col. 8, lines 1-6).

As to claim 12, *Frink* further discloses wherein the editing device further comprises converting means (Fig. 5, resizer 524) for converting the high-definition television video data on which the edit processing is performed by the edit processing means into standard-definition television video data, the standard-definition television video data converted by the converting means being transferred to the computer (Col. 5, lines 55-60; Fig. 5, SDTV frame buffer 526; display 538).

As to claim 14, *Frink* further discloses wherein the editing device comprises at least one peripheral component interconnect card (Fig. 1, HD video system 104).

As to claim 15, *Frink* discloses an editing method for editing a high-definition television signal using a computer (Abstract), the editing method comprising:

- a transferring step of transferring compressed first high-definition television video data and compressed second high-definition television video data in parallel from the computer to an editing device installed in the computer (Fig. 5);
- a decompressing step of decompressing, in the editing device, the compressed first high-definition television video data (Fig. 5, HD codec 516) and the compressed second high-definition television video data which are transferred in the transferring step (Fig. 5, HD codec 516);
- an editing step of performing, in the editing device, edit processing on the first high-definition television video data and the second high-definition television video data which are decompressed in the decompressing step (Fig. 5, HD video system 504);
- an outputting step of outputting a result of edit processing performed in the editing step from the editing device (Fig. 5, HD video I/O 540).

*Frink* does not expressly disclose wherein the editing step and the decompressing of the compressed first high-definition television video data occur on a first PCI card, and the decompressing of the second high-definition television video data occurs on a separate second PCI card, the first PCI card being directly connected to the second PCI card.

It would have been obvious to one of ordinary skill in art, in view of *Nerwin v. Erlichman* 168 USPQ 177, to make separable single element such as the system of

edit processing means disclosed in figure 5 of *Frink* into separable elements disclosed by the limitation "disclose wherein the editing step and the decompressing of the compressed first high-definition television video data occur on a first PCI card, and the decompressing of the second high-definition television video data occurs on a separate second PCI card, the first PCI card being directly connected to the second PCI card."

As to claim 16, *Frink* further discloses wherein, in the editing step, a special effect is applied to the first high-definition television video data (Fig. 5, HD DVE 554), and the first high-definition television video data to which the special effect is applied and the second high-definition television video data are combined (Fig. 5, HDTV video data router 520).

As to claim 17, *Frink* further discloses wherein, in the outputting step, the result of edit processing performed in the editing step is output from a high-definition television signal output-connector provided at the editing device (Fig. 5, HDTV video I/O 540).

As to claim 18, *Frink* further discloses a compressing step of compressing (Fig. 5, HD codec 516), in the editing device, the high-definition television video data on which the edit processing is performed in the editing step (Fig. 5, HD video system 504), wherein, in the outputting step, the high-definition television video data compressed in the compressing step is transferred to the computer (col. 8, lines 1-6).

As to claim 19, *Frink* further discloses a converting step of converting, in the editing device, the high-definition television video data on which the edit processing is performed in the editing step into standard-definition television video data (Fig. 5,

resizer 524), wherein, in the outputting step, the standard-definition television video data converted in the converting step is transferred to the computer (col. 5, lines 55-60; Fig. 5, SDTV frame buffer 526; display 538).

As to claim 21, *Frink* further discloses wherein the editing device comprises at least one peripheral component interconnect card (Fig. 1, HD video system 104).

**3. Claims 6, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,226,038 B1 to Frink et al. ("Frink") in view of U.S. Patent Application Pub. 2002/0168036 A1 to Kim.**

As to claim 6, *Frink* discloses an input connector for uncompressed high-definition television data (Fig. 5, PCI 144).

*Frink* does not expressly disclose selecting means but *Kim* discloses selecting means (Fig. 1, display processor 122) for selecting one of high-definition television video data input from the input connector and the high-definition television video data decompressed by the first decoder and for supplying the selected high-definition television data to the edit processing means, wherein the edit processing means performs edit processing on the high-definition television video data selected by the selecting means and the high- definition television video data decompressed by the second decoder (*Frink*, Fig. 5, HD video system 504).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the *Kim*'s selecting means (Fig. 1, display processor 122) in *Frink*'s HD video system to process the selected signal (0019) for editing purposes.

As to claim 13, *Frink* discloses an input connector for uncompressed high-definition television data (Fig. 5, PCI 144).

*Frink* does not expressly disclose selecting means but *kim* discloses selecting means (Fig. 1, display processor 122) for selecting one of high-definition television data input from the input connector and the high- definition television video data decompressed by the first decoder and for supplying the selected high-definition television data to the edit processing means, and wherein the edit processing means performs edit processing on the high-definition television video data selected by the selecting means and the high-definition television video data decompressed by the second decoder (*Frink*, Fig. 5, HD video system 504).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the *Kim's* selecting means (Fig. 1, display processor 122) in *Frink's* HD video system to process the selected signal (0019) for editing purposes.

As to claim 20, *Kim* discloses a selecting step of selecting ( Fig. 1, display processor 122), in the editing device, one of high-definition television video data input from an uncompressed high-definition television data input- connector provided at the editing device and the first high- definition television video data decompressed in the decompressing step, wherein, in the editing step, the high- definition television video data selected in the selecting step and the second high-definition television video data are subjected to edit processing (*Frink*, Fig. 5, HD video system 504).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the *Kim's* selecting means (Fig. 1, display processor 122) in *Frink's* HD video system to process the selected signal (0019) for editing purposes.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. K./  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621